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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
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7 KUANG-BAO P. OU-YOUNG,

8 Plaintiff,

9 v.

10 LAWRENCE E STONE, Santa Clara
11 County Assessor, and as an individual;
12 JEANETTE TONINI, Senior Assessment
13 Clerk, Santa Clara County Assessor's
14 Office, and as an individual; EDWARD J.
15 DAVILA, District Judge, U.S. District Court
16 for the Northern District of California, and
17 as an individual; and COUNTY OF SANTA
18 CLARA,

19 Defendants.

Case No. 19-cv-07000-BLF

**ORDER GRANTING THE UNITED
STATES' ADMINISTRATIVE MOTION
TO APPEAR AS *AMICUS CURIAE*;
AND ORDER TO SHOW CAUSE WHY
PLAINTIFF'S CLAIMS AGAINST
JUDGE EDWARD J. DAVILA SHOULD
NOT BE DISMISSED AND WHY THE
PRE-FILING SCREENING ORDER
REGARDING PLAINTIFF SHOULD
NOT BE EXPANDED TO INCLUDE
CLAIMS AGAINST FEDERAL
JUDGES**

[Re: ECF 6]

20 On October 17, 2019, Plaintiff filed the complaint in this action in the Santa Clara County
21 Superior Court. *See* Notice of Removal Exh. 4 (Complaint), ECF 1. Plaintiff asserts a single
22 claim for "Unreasonable Seizures" against Defendants Santa Clara County, Assessor Lawrence
23 Stone, Senior Assessment Clerk Jeanette Tonini, and United States District Judge Edward J.
24 Davila. *See id.* On October 25, 2019, the United States of America removed the action to federal
25 district court on behalf of Defendant Judge Davila. *See* Notice of Removal, ECF 1. The removal
26 was based on 28 U.S.C. § 1442(a)(3), providing for removal of state court actions asserted against
27 "[a]ny officer of the courts of the United States, for or relating to any act under color of office or
28 in the performance of his duties."

On October 28, 2019, the United States filed an administrative motion pursuant to Civil
Local Rule 7-11, seeking leave to appear as *amicus curiae* in this action and to file a memorandum

1 of points and authorities supporting issuance of an Order to Show Cause why the action should not
2 be dismissed as to Judge Davila on the basis of absolute judicial immunity and why the pre-filing
3 screening order regarding Plaintiff should not be expanded to include claims against federal
4 judges. *See* United States' Administrative Motion, ECF 6. The United States' administrative
5 motion is GRANTED.

6 Plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and on or before
7 **November 19, 2019**: (1) why this action should not be dismissed as to Judge Davila on the basis
8 of absolute judicial immunity, and (2) why the pre-filing screening order regarding Plaintiff
9 should not be expanded to include claims against federal judges.

10 **IT IS SO ORDERED.**

11
12 Dated: November 5, 2019



BETH LABSON FREEMAN
United States District Judge